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WELFARE AND INSTITUTIONS CODE

§ 8252

vices shall administer the expenditure of such federal and indigent Indians in this state.

United States or the Secretary of the Interior lawfully, the state departments above mentioned may exercise jurisdiction which the respective heads of the ts and welfare of all the Indians residing within the

operative July 1, 1973; Stats.1973, c. 1212, p. 2544, p. 4627, § 709, operative July 1, 1978; Stats.1978, operative July 1, 1978.)

Law Review Commentaries

Federal Indian policy: A violation of International Treaty Law. (1977) 4 West St.U.L.Rev. 229.

United States Supreme Court

Indians entitled to social security and state welfare benefits whether resident on or off reservations, see *Monton v. Ruiz*, 1974, 94 S.Ct. 1055, 415 U.S. 199, 39 L.Ed.2d 270.

L SERVICES, * * * HEALTH AND AGENCY * * *

ficer appointment; term.

or legacies.

1638, § 4, urgency eff. August 15, 1972, July 7, 1973.

"Human Relations Agency," was amended by July 1, 1978, to read as it now appears.

ficer, appointment; term

Agency an Office of Special Services under the direction of the pleasure of the Governor.

of the several offices, councils, commissions

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ch office, council, commission or board.

requested by the Secretary of the * * * Health and Welfare Agency with

ug. 15, 1972, operative March 7, 1973, July 1, 1978.)

visions of Section 1 of this act creating the Special Services shall become operative the 61st

additions by amendment

WELFARE AND INSTITUTIONS CODE

any after final adjournment of the 1972 Regular Session of the Legislature. Until such time the provisions of Section 1 shall be administered by the Human Relations Agency."

§ 8251. Contracts or agreements

The Office of Special Services may enter into agreements and contracts with any person, agency, corporation or other legal entity and take such other action as is necessary to carry out the purposes of this chapter. The office may require state departments to contract with it for services to carry out the provisions of this chapter.

(Added by Stats.1972, c. 918, p. 1639, § 1, urgency, eff. Aug. 15, 1972, operative March 7, 1973.)

1972 Legislation.

Operative date. see note under § 8250.

§ 8252. Acceptance, management and expenditure of grants, gifts or legacies

The Office of Special Services may accept and expend grants, gifts and legacies of money, and with the consent of the Department of Finance, may accept, manage, and expend grants, gifts, and legacies of other properties in furtherance of the purposes of this chapter.

(Added by Stats.1972, c. 918, p. 1638, § 1, urgency, eff. Aug. 15, 1972, operative March 7, 1973.)

1972 Legislation.

Operative date. see note under § 8250.

DIVISION 8.5. AGING

Part	Section
1. Older Californians [New]	9000
2. Long-Term Care [New]	9800

Division 8.5 was added by Stats.1973, c. 1080, p. 2190, § 1.

PART 1. OLDER CALIFORNIANS [NEW]

Chapter	Section
1. Legislative Findings and Declaration of Policy and Purpose	9000
2. Definitions	9100
3. California Commission on Aging	9200
4. State Department of Aging and Long-Term Care	9300
4.1. Programs for Older Persons: A Framework for the Coordination and Integration of State Services	9320
4.2. California Interdepartmental Committee on Aging	9340
4.3. Area Agencies on Aging	9350
4.4. Area Agency on Aging Advisory Council	9360
5. Pilot Multipurpose Senior Services Projects	9400
6. Nutrition and Volunteer Services Program for Senior Citizens	9500
7. Senior Companion Program	9520
8. Foster Grandparent Program	9540
8. Brown Bag Network Act	9600
9. State Ombudsman [New].	9700

Division 8.5 was added by Stats.1973, c. 1080, p. 2190, § 1.

The heading of Part 1 was added by Stats.1982, c. 1453, p. —, § 4.5. For operative effect, see note under § 9800.

Asterisks * * * indicate deletions by amendment

§ 9000

WELFARE AND INSTITUTIONS CODE

CHAPTER 1. LEGISLATIVE FINDINGS AND DECLARATION OF POLICY AND PURPOSE

Sec.

- 9000. Short title.
- 9001. Legislative findings.
- 9002. State policy.
- 9003. Conformity with federal requirements.

Chapter 1 was added by Stats.1980, c. 912, p. 2890, § 2.

Former Chapter 1, Legislative Findings and Declarations of Policy and Purposes, was added by Stats.1973, c. 1080, p. 2190, § 1, and was repealed by Stats.1980, c. 912, p. 2890, § 1.

§ 9000. Short title

This division establishes the Older Californians Act which reflects the policy mandates and directives of the Older Americans Act of 1965, as amended, and sets forth the state's commitment to its older population.

(Added by Stats.1980, c. 912, p. 2890, § 2.)

1980 Legislation.

Former § 9000, added by Stats.1973, c. 1080, p. 2190, § 1, providing a title for the division on aging and stating the legislative findings, was repealed by Stats.1980, c. 912, p. 2890, § 1.

Derivation: Former § 9000, added by Stats.1973, c. 1080, p. 2190, § 1.

Library References

Social Security and Public Welfare ~~21~~.
C.J.S. Social Security and Public Welfare § 14.

§ 9001. Legislative findings

The Legislature hereby finds and recognizes that:

- (a) Older persons constitute a fundamental resource of the state which previously has been undervalued and poorly utilized, and that ways must be found to enable older people to apply their competence, wisdom, and experience for the benefit of all Californians;
- (b) There is a continuing increase in the number of older people in proportion to the total population;
- (c) Today, 12.5 percent of California's population currently is 60 years of age and over;
- (d) By the year 2020, older persons will represent 25 percent of California's total population;
- (e) While the number of persons over 60 years of age is increasing rapidly, older women, minorities and persons over the age of 75 are expanding at an even greater rate;
- (f) Among these persons over 75 years of age, there is a higher incidence of functional disabilities;
- (g) The social and health problems of the older person are further compounded by inaccessibility to existing services and by the unavailability of a complete range of services;
- (h) Services to older persons are administered by many different agencies and departments and the planning and delivery of these services is not carried out with any degree of coordination among those agencies;
- (i) The ability of the constantly increasing number of aged in the state to maintain self-sufficiency and personal well-being with the dignity to which their years of labor entitle them and to realize their maximum potential as creative and productive individuals are matters of profound importance and concern for all of the people of this state.

(Added by Stats.1980, c. 912, p. 2890, § 2.)

1980 Legislation.

Former § 9001, added by Stats.1973, c. 1080, p. 2190, § 1, dealing with legislative intent, was repealed by Stats. 1980, c. 912, p. 2890, § 1.

Derivation: Former § 9000, added by Stats.1973, c. 1080, p. 2190, § 1.

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§ 9002. State

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DECLARATION OF POLICY AND PURPOSE

1980, c. 912, p. 2890, § 2.

Declarations of Policy and Purposes, was added by Stats.1980, c. 912, p. 2890, § 1.

Act which reflects the policy mandates and intended, and sets forth the state's commitment to

Derivation: Former § 9000, added by Stats.1973, c. 80, p. 2190, § 1.

Primary References

California Social Security and Public Welfare Act § 21.
U.S. Social Security and Public Welfare § 14.

of the state which previously has been found to enable order people to apply their all Californians;

of older people in proportion to the total

currently is 60 years of age and over;

15 percent of California's total population;

increasing rapidly, older women, minorities at greater rate;

a higher incidence of functional disabilities;

are further compounded by inaccessibility to a range of services;

different agencies and departments and the lack of any degree of coordination among those

in the state to maintain self-sufficiency of labor entitle them and to realize their are matters of profound importance and

ion: Former § 9000, added by Stats.1973, c. 190, § 1.

or additions by amendment

WELFARE AND INSTITUTIONS CODE

§ 9003

§ 9002. State policy

The Legislature declares that it is the policy of the state to:

(a) Insure participation by older persons in the planning and operation in all programs and services that may affect them;

(b) Participate fully in programs at all levels of government the purposes of which are to foster and promote community planning and services for the economic, social and personal well-being of older persons;

(c) Insure that the planning and operation of programs on all levels of government be undertaken as a partnership with older residents, providers of services, area agencies on aging, advisory councils, and community senior groups;

(d) Encourage agencies on all levels of government as well as the private sector to develop alternative services and forms of care that provide a range of services delivered in the community, in the home, in care providing facilities, and services which facilitate access to other services which support independent living in the community and prevent unnecessary institutionalization;

(e) Give priority in planning services and programs to those older persons with the greatest economic and social need;

(f) Provide programs which will assure the delivery of a full array of services to older persons including, but not limited to:

- (1) Supportive services.
- (2) Health-related services.
- (3) Counseling services.
- (4) Affordable and safe housing.
- (5) Employment services.
- (6) Transportation services.
- (7) Nutrition services.
- (8) Legal services.
- (9) Information and referral services.
- (10) Cultural services.
- (11) Mental health services.

(g) Require joint program planning and policy development among state and local agencies which, (1) recognize and strengthen the personal and community support networks to which people belong and on which they depend, (2) administer programs and deliver services to the older population.

(h) Provide a comprehensive and integrated system of health and social services which respond to individual needs.

(Added by Stats.1980, c. 912, p. 2891, § 2.)

1980 Legislation.

Former § 9002, added by Stats.1973, c. 1080, p. 2191, § 1, regarding participation by state in programs for older persons, was repealed by Stats.1980, c. 912, p. 2890, § 1.

Derivation: Former §§ 9001 to 9003 added by Stats. 1973, c. 1080, pp. 2190, 2191, § 1.

Former § 18350, added by Stats.1965, c. 1784, p. 4104, § 5, amended by Stats.1965, c. 2052, p. 4791, § 3.

§ 9003. Conformity with federal requirements

If the United States Department of Health and Human Services issues a formal ruling that any section of this code relating to aging cannot be given effect without causing this state's plan to be out of conformity with federal requirements, the section shall become inoperative to the extent that it is not in conformity with federal requirements.

(Added by Stats.1980, c. 912, p. 2891, § 2.)

1980 Legislation.

Former § 9003, added by Stats.1973, c. 1080, p. 2191, § 1, stating the purposes of the division on aging, was repealed by Stats.1980, c. 912, p. 2890, § 1.

Asterisks * * * indicate deletions by amendment

§ 9100

WELFARE AND INSTITUTIONS CODE

CHAPTER 2. DEFINITIONS

Sec.

- 9100. Commission.
- 9101. Department.
- 9102. Director.
- 9103. Older person; elderly.
- 9104. Committee.
- 9104. Functionally impaired client [New].
- 9105. Preventive services.
- 9106. Advisory council.
- 9107. Supportive services.
- 9108. Planning and service area.
- 9109. Area agency on aging.
- 9110. Long-term care.
- 9110. Long-term care [New].
- 9111. Frail elderly.
- 9112. Greatest economic need.
- 9113. Greatest social need.
- 9114. Comprehensive and coordinated system.
- 9115. Personal and community support networks.
- 9116. Aging network.
- 9117. Community long-term care delivery system [New].
- 9118. The community long-term care agency [New].
- 9119. Consolidated fund; capitation; risk sharing; at risk [New].
- 9120. Screening; comprehensive assessment; reassessment [New].
- 9121. Participant [New].
- 9123. Least restrictive environment [New].
- 9124. Case management [New].
- 9125. Personal activities of daily living; instrumental activities of daily living [New].
- 9126. Authorization [New].
- 9128. Community long-term care task force [New].
- 9129. Application of definitions [New].

Chapter 2 was added by Stats.1980, c. 912, p. 2892, § 4.

Former Chapter 2, Definitions, was added by Stats.1973, c. 1080, p. 2191, § 1, and was repealed by Stats.1980, c. 912, p. 2892, § 3.

§ 9100. Commission

"Commission" means the California Commission on Aging.

(Added by Stats.1980, c. 912, p. 2892, § 4.)

1980 Legislation.

Former § 9100, added by Stats.1973, c. 1080, p. 2191, § 1, regarding construction of definitions, was repealed by Stats.1980, c. 912, p. 2892, § 3.

Derivation: Former § 9101, added by Stats.1973, c. 1080, p. 2191, § 1.

§ 9101. Department

Text of section as added by Stats.1980, c. 912, p. 2892, § 4.

"Department" means the Department of Aging.

(Added by Stats.1980, c. 912, p. 2892, § 4.)

For text of section as amended by Stats.1982, c. 1453, p. —, § 5, see § 9101, post.

§ 9101. Department

Text of section as amended by Stats.1982, c. 1453, p. —, § 5.

"Department" means the State Department of Aging and Long-Term Care.

(Added by Stats.1980, c. 912, p. 2892, § 4. Amended by Stats.1982, c. 1453, p. —, § 5.)

Operative effect of 1982 Amendment of § 9101, see note under § 9800.

For text of section as added by Stats.1980, c. 912, p. 2892, § 4, see § 9101, ante.

Underline indicates changes or additions by amendment

WELFARE AND INSTITUTIONS CODE

DEFINITIONS

WELFARE AND INSTITUTIONS CODE

§ 9103

1980 Legislation.

Former § 9101, added by Stats.1973, c. 1080, p. 2191, § 1, defining commission, was repealed by Stats.1980, c. 912, p. 2892, § 3.

Derivation: Former § 9102, added by Stats.1973, c. 1080, p. 2191, § 1, amended by Stats.1976, c. 157, p. 256, § 1.

§ 9102. Director

Text of section as added by Stats.1980, c. 912, p. 2892, § 4.

"Director" means the Director of the Department of Aging.

(Added by Stats.1980, c. 912, p. 2892, § 4.)

For text of section as amended by Stats.1982, c. 1453, p. —, § 6, see § 9102, post.

§ 9102. Director

Text of section as amended by Stats.1982, c. 1453, p. —, § 6.

"Director" means the Director of the State Department of Aging and Long-Term Care.

(Added by Stats.1980, c. 912, p. 2892, § 4. Amended by Stats.1982, c. 1453, p. —, § 6.)

Operative effect of 1982 amendment, see note under § 9800.

For text of section as added by Stats.1980, c. 912, p. 2892, § 4, see § 9102, ante.

1982 Legislation.

Former § 9102, added by Stats.1973, c. 1080, p. 2191, § 1, amended by Stats.1976, c. 157, p. 256, § 1, urgency,

eff. May 11, 1976, defining department, was repealed by Stats.1980, c. 912, p. 2892, § 3.

Derivation: Former § 9103, added by Stats.1973, c. 1080, p. 2191, § 1, amended by Stats.1976, c. 157, p. 256, § 2.

§ 9103. Older person; elderly

Text of section as added by Stats.1980, c. 912, p. 2892, § 4.

"Older person" or "elderly" means a person 60 years of age or older unless in conflict with federal requirements.

(Added by Stats.1980, c. 912, p. 2892, § 4.)

For text of section as amended by Stats.1982, c. 1453, p. —, § 7, see § 9103, post.

§ 9103. Older person; elderly

Text of section as amended by Stats.1982, c. 1453, p. —, § 7.

"Older person" or "elderly" means a person 60 years of age or older * * *.

(Added by Stats.1980, c. 912, p. 2892, § 4. Amended by Stats.1982, c. 1453, p. —, § 7.)

Operative effect of 1982 amendment, see note under § 9800.

For text of section as added by Stats.1980, c. 912, p. 2892, § 4, see § 9103, ante.

1980 Legislation.

Former § 9103, added by Stats.1973, c. 1080, p. 2191, § 1, amended by Stats.1976, c. 157, p. 256, § 2, urgency, eff. May 11, 1976, defining director, was repealed by Stats.1980, c. 912, p. 2892, § 3.

Derivation: Former § 18352, added by Stats.1965, c. 1784, p. 4105, § 5, amended by Stats.1965, c. 2059, p. 4803, § 4.

Former § 9104, added by Stats.1973, c. 1080, p. 2191, § 1.

Asterisks * * * indicate deletions by amendment

§ 9104

WELFARE AND INSTITUTIONS CODE

§ 9104. Committee

Text of section as added by Stats.1980, c. 912, p. 2892, § 4.

"Committee" means the California Interdepartmental Committee on Aging.
(Added by Stats.1980, c. 912, p. 2892, § 4.)

For text of section as added by Stats.1982, c. 1453, p. —, § 9, see § 9104, post.

Repeal

Section 9104, added by Stats.1980, c. 912, p. 2892, § 4, is repealed upon operative effect of Stats.1982, c. 1453, § 8. See note under § 9800.

§ 9104. Functionally impaired client.

Text of section as added by Stats.1982, c. 1453, p. —, § 9.

"Functionally impaired client" means a person who is 18 years or older and has restricted self-care capabilities. The person shall be limited in his or her functional ability, and shall be unable to independently perform personal and instrumental activities of daily living and associated tasks, or is unable to establish and maintain an independent living arrangement in the absence of long-term care services.

(Added by Stats.1982, c. 1453, p. —, § 9.)

Operative effect of Stats.1982, c. 1453, p. —, § 9, see note under § 9800.

For text of section as added by Stats.1980, c. 912, p. 2892, § 4, see § 9104, ante.

1980 Legislation.

Former § 9104, added by Stats.1973, c. 1080, p. 2191, § 1, defining senior adult, older person, elderly, or older resident, was repealed by Stats.1980, c. 912, p. 2892, § 3.

§ 9105. Preventive services

"Preventive services" means services which avoid dependency and assist older persons in maintaining their good health, well-being and growth.

(Added by Stats.1980, c. 912, p. 2892, § 4.)

1980 Legislation.

Former § 9105, added by Stats.1973, c. 1080, p. 2191, § 1, defining planning areas for aging, was repealed by Stats.1980, c. 912, p. 2892, § 3.

§ 9106. Advisory council

"Advisory council" means a specific representative body of laypersons and service providers which represent the interests of the elderly within the boundaries of a planning and service area and which is officially recognized by the area agency on aging, the commission and the department as such.

(Added by Stats.1980, c. 912, p. 2892, § 4.)

§ 9107. Supportive services

"Supportive services" means services which maintain individuals in home environments and avoid institutional care.

(Added by Stats.1980, c. 912, p. 2892, § 4.)

§ 9108. Planning and service area

"Planning and service area" means an area specified by the department as directed by the Older Americans Act of 1965, as amended.

(Added by Stats.1980, c. 912, p. 2892, § 4.)

Derivation: Former § 9105, added by Stats.1973, c. 1080, p. 2191, § 1.

Underline indicates changes or additions by amendment

WELFARE AND INSTITUTIONS CODE

§ 9109. Area agency on aging

"Area agency on aging" means the agency of the Department of Aging, established by the Department of Aging, which is responsible for the service area. The agency shall be established and, through contract, shall provide services to the area agency on aging.
(Added by Stats.1980, c. 912, p. 2892, § 4.)

§ 9110. Long-term care services

"Long-term care services" means services which assist the older person in maintaining his or her independence.
(Added by Stats.1980, c. 912, p. 2892, § 4.)

For text of section as added by Stats.1982, c. 1453, p. —, § 9, see § 9110, post.

Section 9110. Long-term care services

§ 9110. Long-term care services

"Long-term care services" means services which assist the older person in maintaining his or her independence. The services shall be provided by the area agency on aging, the commission and the department as such.
(Added by Stats.1980, c. 912, p. 2892, § 4.)

§ 9111. Frail individuals

"Frail individuals" means individuals who have a positive capacity for social and economic participation.
(Added by Stats.1980, c. 912, p. 2892, § 4.)

§ 9112. Gre

"Gre" means the threshold level of service.
(Added by Stats.1980, c. 912, p. 2892, § 4.)

§ 9113. Gr

"Gr" means the threshold level of service.
(Added by Stats.1980, c. 912, p. 2892, § 4.)

§ 9114. Gr

"Gr" means the threshold level of service.
(Added by Stats.1980, c. 912, p. 2892, § 4.)

§ 9115. Gr

"Gr" means the threshold level of service.
(Added by Stats.1980, c. 912, p. 2892, § 4.)

§ 9116. Gr

"Gr" means the threshold level of service.
(Added by Stats.1980, c. 912, p. 2892, § 4.)

WELFARE AND INSTITUTIONS CODE

Stats.1980, c. 912, p. 2892, § 4.

al Committee on Aging.

Stats.1982, c. 1453, p. —, § 9, see § 9104, post.

§ 4, is repealed upon operative effect of note under § 9800.

Stats.1982, c. 1453, p. —, § 9.

18 years or older and has restricted self-care or functional ability, and shall be unable to perform the activities of daily living and associated tasks, or is in need of arrangement in the absence of long-term care

—, § 9, see note under § 9800.

Stats.1982, p. 2892, § 4, see § 9104, ante.

agency and assist older persons in maintain-

of laypersons and service providers which of a planning and service area and which commission and the department as such.

individuals in home environments and avoid

department as directed by the Older

additions by amendment

WELFARE AND INSTITUTIONS CODE

§ 9114

§ 9109. Area agency on aging

"Area agency on aging" means an identifiable private nonprofit or public agency designated by the Department of Aging which works for the interests of older Californians within a planning and service area. This agency engages in community planning, coordination and program development and, through contractual arrangements, provides a broad array of social and nutritional services. (Added by Stats.1980, c. 912, p. 2892, § 4.)

§ 9110. Long-term care

Text of section as added by Stats.1980, c. 912, p. 2892, § 4.

"Long-term care" refers to the organized system of a variety of formal and informal services to assist the older person, as well as their family, to achieve and maintain optimum well-being. (Added by Stats.1980, c. 912, p. 2892, § 4.)

For text of section as added by Stats.1982, c. 1453, p. —, § 11, see § 9110, post.

Repeal

Section 9110 is repealed upon operative effect of Stats.1982, c. 1453, p. —, § 10. See note under § 9800.

§ 9110. Long-term care

Text of section as added by Stats.1982, c. 1453, p. —, § 11.

"Long-term care" means a coordinated continuum of preventive, diagnostic, therapeutic, rehabilitative, supportive and maintenance services that address the health, social, and personal needs of individuals who have restricted self-care capabilities. Services shall be designed to recognize the positive capabilities of the individual and maximize the potential for the optimum level of physical, social, and psychological independence in the least restrictive environment and emphasis shall be placed on seeking alternative services other than institutionalization. Services may be provided by formal or informal support systems and may be continuous or intermittent.

(Added by Stats.1982, c. 1453, p. —, § 11.)

Operative effect of Stats.1982, c. 1453, p. —, § 11, see note under § 9800.

For text of section as added by Stats.1980, c. 912, p. 2892, § 4, see § 9110, ante.

§ 9111. Frail elderly

"Frail elderly" means a person having those chronic physical or mental limitations which restrict individual ability to carry out normal activities of daily living and which threaten an individual's capacity to live an independent life.

(Added by Stats.1980, c. 912, p. 2892, § 4.)

§ 9112. Greatest economic need

"Greatest economic need" means the need resulting from an income level at or below the poverty threshold established by the Bureau of the Census.

(Added by Stats.1980, c. 912, p. 2892, § 4.)

§ 9113. Greatest social need

"Greatest social need" means the need caused by noneconomic factors which include physical and mental disabilities, language barriers, cultural or social isolation, including that caused by racial and ethnic status (for example Black, Hispanic, American Indian, and Asian American) which restrict an individual's ability to perform normal daily tasks or which threaten his or her capacity to live independently.

(Added by Stats.1980, c. 912, p. 2893, § 4.)

§ 9114. Comprehensive and coordinated system

"Comprehensive and coordinated system" means a program of interrelated social and nutrition services designed to meet the needs of older persons in a planning and service area.

(Added by Stats.1980, c. 912, p. 2893, § 4.)

Asterisks * * * indicate deletions by amendment

§ 9115

WELFARE AND INSTITUTIONS CODE

§ 9115. Personal and community support networks

"Personal and community support networks" means families, friends, neighbors, church groups and community organizations to which the elderly naturally turn to for assistance.

(Added by Stats.1980, c. 912, p. 2893, § 4.)

§ 9116. Aging network

"Aging network" means those public and private agencies and organizations funded under the Older Americans Act as well as service providers and other organized bodies expressing interest in aging network communication, such as senior advocacy organizations, local aging commissions, community councils on aging, and local officials.

(Added by Stats.1980, c. 912, p. 2893, § 4.)

§ 9117. Community long-term care delivery system

"Community long-term care delivery system" means those formal and informal programs and services which meet long-term care client's needs on the community level.

(Added by Stats.1982, c. 1453, p. —, § 12.)

Operative effect of § 9117, see note under § 9800.

§ 9118. The community long-term care agency

"The community long-term care agency" means the designated agency with which the department has contracted to administer the long-term care services at the local level contained in this part within a specified area of this state.

(Added by Stats.1982, c. 1453, p. —, § 13.)

Operative effect of § 9118, see note under § 9800.

§ 9119. Consolidated fund; capitation; risk sharing; at risk

(a) "Consolidated fund" means the California Long-Term Care Consolidated Fund consisting of funds which, prior to the creation of the consolidated fund, were funding components of services provided by Part 2 (commencing with Section 9800).

(b) "Capitation" means a system of payment based on the number of participants in a long-term care agency with a previously set rate of payment per person. In this method of reimbursement, the amount paid is based on a formula and a finite budget with a specific rate per individual rather than an entitlement system based on a fee for service.

(c) "Risk sharing" means the assumption of some percentage of financial responsibility between the local long-term care agency and the state should costs exceed the prospectively capitated budget.

(d) "At risk" means the community long-term care agency is exposed to potential economic loss or benefits.

(Added by Stats.1982, c. 1453, p. —, § 14.)

Operative effect of § 9119, see note under § 9800.

§ 9120. Screening; comprehensive assessment; reassessment

(a) "Screening" means a short set of questions used to determine overall eligibility for long-term care services, and the need for a comprehensive assessment.

(b) "Comprehensive assessment" means an evaluation of a person's physical, psychological, and social needs, financial resources, and the strengths and weaknesses of the informal support system and the immediate environment as a basis for determining the current functional ability and potential improvement in order to develop the appropriate services needed to maximize functional independence.

(c) "Reassessment" means a short set of questions used to evaluate whether a client's condition or needs have changed, thus warranting an adjustment in the services being delivered.

(Added by Stats.1982, c. 1453, p. —, § 15.)

Operative effect of § 9120, see note under § 9800.

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§ 9128

§ 9121. Participant

"Participant" means the functionally impaired person who is receiving services under the provisions of Part 2 (commencing with Section 9800).

(Added by Stats.1982, c. 1453, p. —, § 16.)

Operative effect of § 9121, see note under § 9800.

§ 9123. Least restrictive environment

"Least restrictive environment" means that care arrangement or service environment which affords a participant the maximum independence permitted by his or her functional ability.

(Added by Stats.1982, c. 1453, p. —, § 18.)

Operative effect of § 9123, see note under § 9800.

§ 9124. Case management

"Case management" means:

(1) Client assessment in conjunction with the development of a service plan with the participant and appropriate others to provide for needs identified by the assessment.

(2) Authorization and arrangement for the purchase of services, or referral to volunteer, informal or third-party payer services with followup.

(3) Service and participant monitoring to determine that services were obtained appropriate to need, adequate to meet the need, of acceptable quality, and provided in a timely manner.

(4) Followup with clients, including periodic contact and initiation of an interim assessment, if deemed necessary prior to scheduled reassessment.

(Added by Stats.1982, c. 1453, p. —, § 19.)

Operative effect of § 9124, see note under § 9800.

§ 9125. Personal activities of daily living; instrumental activities of daily living

(a) "Personal activities of daily living" means dressing, feeding, toileting, bathing, breathing, transferring, and mobility and associated tasks.

(b) "Instrumental activities of daily living" means shopping, housework, meal preparation and cleanup, laundry, taking of medication, money management, transportation, correspondence, telephoning, and related tasks.

(Added by Stats.1982, c. 1453, p. —, § 20.)

Operative effect of § 9125, see note under § 9800.

§ 9126. Authorization

"Authorization" means a signed document stating that the service is appropriate for the participant and is considered a prerequisite to payment.

(Added by Stats.1982, c. 1453, p. —, § 21.)

Operative effect of § 9126, see note under § 9800.

§ 9128. Community long-term care task force

"Community Long-Term Care Task Force" means a designated representative body of consumers, lay persons and professional representatives of service organizations and agencies. There shall be appropriate representation of functionally impaired adults of all age groups.

(Added by Stats.1982, c. 1453, p. —, § 23.)

Operative effect of § 9128, see note under § 9800.

Asterisks * * * indicate deletions by amendment

§ 9129

WELFARE AND INSTITUTIONS CODE

§ 9129. Application of definitions

The definitions contained in Sections 9104, 9117, 9118, and 9120 to 9128, inclusive, shall be applicable only to Part 2 (commencing with Section 9800).

(Added by Stats.1982, c. 1453, p. —, § 24.)

Operative effect of § 9129, see note under § 9800.

§ 9132.

1982 Legislation.

A § 9132 was added by Stats.1982, c. 1453, p. —, § 46. Because of its subject matter and placement in

that legislation, the section was editorially classified as § 9832.

CHAPTER 3. CALIFORNIA COMMISSION ON AGING

Sec.

- 9200. Existence; membership.
- 9200. Commission on aging and long-term care; existence; composition [New].
- 9200.5. Term of office; officers; attendance at meetings.
- 9201. Duties and functions.
- 9202. Annual report.
- 9203. Gifts and grants.
- 9204. Reference to citizens advisory committee on aging; construction.
- 9205. Reimbursement of expenses.

Chapter 3 was added by Stats.1980, c. 912, p. 2893, § 6.

Former Chapter 3, California Commission on Aging, was added by Stats.1973, c. 1080, p. 2191, § 1, and was repealed by Stats.1980, c. 912, p. 2893, § 5.

§ 9200. Existence; membership

Text of section as added by Stats.1980, c. 912, p. 2893, § 6.

There is in the state government the California Commission on Aging. The commission shall be:

- (a) Composed of 25 persons.
 - (1) Nineteen persons appointed by the Governor. Nine of the 19 persons shall be appointed by the Governor from lists of nominees submitted by the area agency on aging advisory councils. At least five names shall be submitted as nominees for each vacancy.
 - (2) Three persons appointed by the Speaker of the Assembly.
 - (3) Three persons appointed by the Senate Rules Committee.
- (b) Comprised of a majority of members 60 years of age or older.
- (c) Comprised of actual consumers of services under the Older Americans Act, as amended.
- (d) Composed of representatives of the geographic, cultural, economic and other social factors in the state.
- (e) The commission composition requirements shall be complied with as vacancies occur.

(Added by Stats.1980, c. 912, p. 2893, § 6.)

For text of section as amended by Stats.1982, c. 1453, p. —, § 24.5, see § 9200, post.

§ 9200. Commission on aging and long-term care; existence; composition

Text of section as amended by Stats.1982, c. 1453, p. —, § 24.5.

There is in the state government the California Commission on Aging and Long-Term Care. The commission shall be:

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